



# House of Representatives

General Assembly

**File No. 657**

*January Session, 2011*

House Bill No. 6564

*House of Representatives, April 28, 2011*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING ASSAULT OF LICENSED SECURITY OFFICERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-167c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) A person is guilty of assault of public safety, emergency medical  
4 or public transit personnel when, with intent to prevent a reasonably  
5 identifiable peace officer, special policeman appointed under section  
6 29-18b, motor vehicle inspector designated under section 14-8 and  
7 certified pursuant to section 7-294d, firefighter or employee of an  
8 emergency medical service organization, as defined in section 53a-3,  
9 emergency room physician or nurse, employee of the Department of  
10 Correction, member or employee of the Board of Pardons and Paroles,  
11 probation officer, employee of the Judicial Branch assigned to provide  
12 pretrial secure detention and programming services to juveniles  
13 accused of the commission of a delinquent act, employee of the  
14 Department of Children and Families assigned to provide direct

15 services to children and youths in the care or custody of the  
16 department, employee of a municipal police department assigned to  
17 provide security at the police department's lockup and holding facility,  
18 active individual member of a volunteer canine search and rescue  
19 team, as defined in section 5-249, [or] public transit employee or  
20 security officer licensed under section 29-161q from performing his or  
21 her duties, and while such peace officer, special policeman, motor  
22 vehicle inspector, firefighter, employee, physician, nurse, member,  
23 probation officer, [or] active individual member or security officer is  
24 acting in the performance of his or her duties, (1) such person causes  
25 physical injury to such peace officer, special policeman, motor vehicle  
26 inspector, firefighter, employee, physician, nurse, member, probation  
27 officer, [or] active individual member or security officer, or (2) such  
28 person throws or hurls, or causes to be thrown or hurled, any rock,  
29 bottle, can or other article, object or missile of any kind capable of  
30 causing physical harm, damage or injury, at such peace officer, special  
31 policeman, motor vehicle inspector, firefighter, employee, physician,  
32 nurse, member, probation officer, [or] active individual member or  
33 security officer, or (3) such person uses or causes to be used any mace,  
34 tear gas or any like or similar deleterious agent against such peace  
35 officer, special policeman, motor vehicle inspector, firefighter,  
36 employee, physician, nurse, member, probation officer, [or] active  
37 individual member or security officer, or (4) such person throws or  
38 hurls, or causes to be thrown or hurled, any paint, dye or other like or  
39 similar staining, discoloring or coloring agent or any type of offensive  
40 or noxious liquid, agent or substance at such peace officer, special  
41 policeman, motor vehicle inspector, firefighter, employee, physician,  
42 nurse, member, probation officer, [or] active individual member or  
43 security officer, or (5) such person throws or hurls, or causes to be  
44 thrown or hurled, any bodily fluid including, but not limited to, urine,  
45 feces, blood or saliva at such peace officer, special policeman, motor  
46 vehicle inspector, firefighter, employee, physician, nurse, member,  
47 probation officer, [or] active individual member or security officer. For  
48 the purposes of this section, "public transit employee" means a person  
49 employed by the state, a political subdivision of the state, a transit

50 district formed under chapter 103a or a person with whom the  
51 Commissioner of Transportation has contracted in accordance with  
52 section 13b-34 to provide transportation services who operates a  
53 vehicle or vessel providing public rail service, ferry service or fixed  
54 route bus service or performs duties directly related to the operation of  
55 such vehicle or vessel.

56 (b) Assault of public safety, emergency medical or public transit  
57 personnel is a class C felony. If any person who is confined in an  
58 institution or facility of the Department of Correction is sentenced to a  
59 term of imprisonment for assault of an employee of the Department of  
60 Correction under this section, such term shall run consecutively to the  
61 term for which the person was serving at the time of the assault.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2011</i>	53a-167c
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**JUD**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>
Judicial Dept.	GF - Potential Revenue Gain	Less than 10,000	Less than 10,000
Correction, Dept.	GF - Potential Cost	Potential	Potential
Judicial Dpt (Probation)	GF - Potential Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill makes assault of a licensed security officer a class C felony, which would result in an annual net revenue gain of less than \$10,000 to the General Fund. The estimate assumes that the establishment of a fine and/or imprisonment for this offense will increase the likelihood that an estimated five offenders annually would be prosecuted and receive harsher penalties than under current law.<sup>1</sup>

To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties than currently provided for, potential cost for incarceration and/or probation supervision in the community would result. On average, it costs the state \$3,785 to supervise an offender on probation in the community as compared to \$48,545 to incarcerate the offender.

#### **The Out Years**

The annualized ongoing revenue identified above would remain

<sup>1</sup> In 2010, four convictions were made for assault under this statute, with \$5,500 in fine revenue collected.

constant into the future since fine amounts are set by statute. The annualized ongoing probation and/or incarceration costs identified above would continue into the future subject to inflation.

*Sources: Core-CT Financial Accounting System  
Judicial Department Offenses and Revenue Database*

**OLR Bill Analysis****HB 6564*****AN ACT CONCERNING ASSAULT OF LICENSED SECURITY OFFICERS.*****SUMMARY:**

This bill makes assault of a licensed security officer a class C felony (punishable by up to 10 years in prison, a fine of up to \$10,000, or both), the same penalty as for assault of public safety, emergency medical, and public transit personnel. A person commits this crime by assaulting a reasonably identifiable licensed security officer performing his or her duties, with intent to prevent the officer from performing them, by doing any of the following to the officer:

1. causing injury;
2. throwing objects capable of causing harm;
3. using tear gas, Mace, or a similar harmful agent;
4. throwing paint, dye, or any other offensive substance; or
5. throwing bodily fluid, such as feces, blood, or saliva.

Under other law, assaults are punishable, depending on the conduct, by penalties ranging from a class A misdemeanor (up to one year in prison, a fine of up to \$2,000, or both) to a class A felony (punishable by 10 to 25 years in prison, a fine of up to \$20,000, or both).

By law, the public safety commissioner licenses security officers who must be at least age 18, complete at least eight hours of training, and pass a criminal background check. Certain criminal offenses exclude an applicant from receiving a license.

EFFECTIVE DATE: October 1, 2011

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea     45     Nay   0     (04/15/2011)